

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

DAVID WAYNE CARLISLE

Petitioner

V.

WARDEN, FCI-TEXARKANA

Respondent

Case No. 5:22-cv-76-RWS-JBB

ORDER

Petitioner David Wayne Carlisle, proceeding *pro se*, filed the above-styled and numbered petition for the writ of habeas corpus complaining of the computation of his sentence. The case was referred to the United States Magistrate Judge in accordance with 28 U.S.C. § 636.

Petitioner asserted that he did not receive all the time credits to which he was entitled. *See* Docket No. 1. During the pendency of the case, in September of 2022, Petitioner was released to supervised release. *See* Docket No. 2. He advised the Court that he wished for his time credits to apply to his term of supervised release. *See* Docket No. 3. In September of 2023, Petitioner was arrested on charges of possession of a controlled substance, and on November 20, 2023, he received a supervision revocation sentence in the Eastern District of Texas.

After the Respondent answered the petition, the Magistrate Judge issued a report recommending that the petition be dismissed. Docket No. 7. The Magistrate Judge determined that any time credits earned by Petitioner could not have operated to shorten his term of supervised release, nor could they serve to shorten the period of imprisonment which he subsequently received for violating his supervised release. *Id.* at 3–4.

Petitioner received a copy of this report on October 1, 2024. Docket No. 9. Because no objections have been received, Plaintiff is barred from *de novo* review by the District Judge of the

Magistrate Judge's proposed findings, conclusions and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *See Duarte v. City of Lewisville, Texas*, 858 F.3d 348, 352 (5th Cir. 2017); *Arriaga v. Laxminarayan*, Case No. 4:21-CV-00203- RAS, 2021 WL 3287683, at *1 (E.D. Tex. July 31, 2021).

The Court has reviewed the pleadings in this case and the Report and Recommendation of the Magistrate Judge. Upon such review, the Court has determined that the Report and Recommendation of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989) (where no objections to a Magistrate Judge's report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law"). Accordingly, it is

ORDERED that the Report and Recommendation of the Magistrate Judge (Docket No. 7) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the above-styled petition for the writ of habeas corpus is **DISMISSED WITH PREJUDICE**.

So ORDERED and SIGNED this 18th day of November, 2024.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE